

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:11cv138

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|-------------------------------|---|---------------------|
| BRICA, INC. and |) | |
| 6134548 CANADA, INC., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | <u>ORDER</u> |
| |) | |
| MONAHAN PRODUCTS, LLC, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

THIS MATTER is before the Court *sua sponte*.

On June 7, 2011, the Plaintiffs filed this action against the Defendant Monahan Products, LLC, alleging willful patent infringement. [Doc. 1]. The Complaint alleges that Plaintiff BRICA, Inc. is a Florida corporation with its principal place of business in Charlotte, North Carolina [Id. at ¶2], and that Plaintiff 6134548 Canada, Inc. is a Canadian corporation with its principal place of business in Toronto, Canada [Id. at ¶3]. The Complaint further alleges that the Defendant Monahan Products, LLC is a Massachusetts limited liability company with a place of business in Hingham, Massachusetts. [Id. at ¶4]. With respect to venue, Plaintiffs allege in the Complaint that the Defendant “transacts business in this judicial district” and therefore venue is

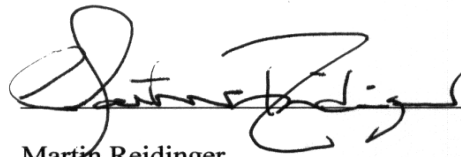
proper pursuant to 28 U.S.C. §§ 1391 and 1400. [Id. at ¶¶5, 7]. The Complaint does not allege, however, that any of the events giving rise to the Plaintiffs' claims occurred in the Asheville Division. The Defendant further denies in its Answer that venue in this district is proper. [Doc. 5 at ¶7].

In light of these allegations, there is a substantial question on the face of these pleadings as to whether venue would be more appropriate in the Charlotte Division of this District. Accordingly, the Court will give the parties an opportunity to address whether this case should properly be transferred to the Charlotte Division. See 28 U.S.C. § 1404(a).

IT IS, THEREFORE, ORDERED that the parties shall file briefs within fourteen (14) days of this Order addressing whether this case should be transferred to the Charlotte Division. Such briefs shall not exceed ten (10) pages in length.

IT IS SO ORDERED.

Signed: November 30, 2011


Martin Reidinger
United States District Judge

